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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,239	07/31/2003	Robert Alan Germaine	166538004US	3319
25096	7590	06/29/2005	EXAMINER	
PERKINS COIE LLP			LEE, BENJAMIN C	
PATENT-SEA				
P.O. BOX 1247			ART UNIT	PAPER NUMBER
SEATTLE, WA 98111-1247			2632	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,239

Applicant(s)

GERMAINE ET AL.

Examiner

Benjamin C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Office Action

Claim Status

1. Original claims 1-38 are pending.

Claim Rejections - 35 USC § 103

2. Claims 1-25 and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. (US 2003/0210139) in view of Hartsog (US 4,964,060) and Becker (US 5,297,252) as stand in the previous Office action.
3. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. in view of Hartsog, Becker and Megerle (US 6,610,977) as stand in the previous Office action.
4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. in view of Hartsog, Becker and Bache (US 6,651,011) as stand in the previous Office action.

Response to Arguments

5. Applicant's arguments filed 1/10/05 have been fully considered but they are not persuasive.

1) Regarding claims 1-25 and 29-38, Brooks et al. teaches a system/method for rating the security of a facility, using ratings RULES as suggested by "a simple rating which consists of the sum of the products of the security values and the security rating for each component of the facility" (para. 0032). Contrary to Applicant's argument, Brooks et al. is not "simply suggests that the user can input a security value and a security rating for each component, and the system can calculate an overall rating for the facility by multiplying the values by the ratings" since

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steps in Fig. 1 clearly involve **evaluation** including “identify attributes and security values for each component”; “determine security rating for each component”; “calculate overall security rating for facility”; “rank security ratings for each component”; “select lowest ranked component” “evaluate component attributes and security value” and “determine appropriate security measures”.

As recited in the rejection of claim 1, Brooks et al. teaches providing “**criteria** for determining, based on the provided information, whether a building belongs to a particular security requirements rating, for each building of the facility, applying the provided criteria to determine, based on the provided information, whether a building belongs to a particular security requirements rating (Fig. 1, wherein individual facility security components as well as the facility as a whole are being evaluated) according to criteria such as **predefined company or industry standards or independent or user defined standards** (0009 of page 1; 0027 and 0029 of page 3) , and generating ratings, reports and recommendations for modifications in order to raise the ranking/rating to a user (lines 1-4 on the left column of page 2) whereby a map or schematic of the facility can be used in setting up the security evaluation (lines 1-5 on paragraph 0031 of page 3), and facility or facility components having a security value below a predetermined threshold can be identified as being in need of review and improvement (0033-0034 on pages 3-4).”

Hartsog teaches the known practice of **facility compliance determination** through disclosure of the use of comparison of building facility attributes including structural and security attributes to standards, regulations and codes (Abstract; Figs. 1 & 6; col. 1, lines 8-19 & 59-61; col. 2, lines 18-20; col. 5, lines 3-12 & 39-44; col. 25, lines 34-36).

In view of the teachings by Brooks et al. and Hartsog, one skilled in the art would have readily recognized that one reason for evaluating the facilities against security standards to provide ratings and recommending modifications to raise low ratings of facility security in a system such as taught by Brooks et al., is to determine security adequacy or inadequacy, and ultimately to determine security requirement compliance, so that a process of comparison of facility attributes to facility requirement rules (set up by whomever, including federal or local government or otherwise regulatory bodies, or self-imposed, etc.) to determine compliance analogous to the one taught by Hartsog can be used in a system such as taught by Brooks et al. so that the user does not have to separately mentally perform such a comparison between the determined security ratings against rules/regulations when determining compliance. Examiner indicated “analogous compliance determination” simply because Brooks et al.’s method is directed solely to “security ratings” while Hartsog’s method involves security as well as safety and other standards/codes compliance.

Therefore, the rules for determining whether a facility belongs to a particular security ratings level, and then determining facility security compliance against predetermined standards in a system taught by the combined teachings of Brooks et al. and Hartsog constitutes the claimed “providing rules for determining...whether a building complies with security requirements.”

b) In interpreting the claimed invention and the prior art, and applying the prior art against the claimed invention, it is permissible to use different terminology used by the “application” or the cited references, as long as the rejection is clear on interpretation of the terms used in the claimed invention, the cited prior art references, and the rejection that explains

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how and by what the cited prior renders the claimed invention obvious. Sometimes, like in this case, it may be beneficial and even necessary to use broader, generalized or summarized terminology to describe and link the concepts of the claimed invention and the prior art references, since they use widely varied terminology but were directed to same or similar subject matter.

For example, the Office action stated that Brooks et al. teaches “providing criteria for determining, based on the provided information, whether a building belongs to a particular security requirements rating” and citing Fig. 1, which depicts the steps of: “identify attributes and security values for each component”; “determine security rating for each component”; “calculate overall security rating for facility”; “rank security ratings for each component”; “select lowest ranked component” “evaluate component attributes and security value” and “determine appropriate security measures”. It is readily apparent that the mere step (116) of “calculate overall security rating for the facility” following the step (114) of “determine security rating for each component”, which is specification on paragraph [0032] explains as: “The overall score can be determined as a function of the security values, the security ratings and the attributes” constitutes “criteria for determining.. whether a building belongs to a particular security requirement rating”. The relevance of the term “criteria” is to the claimed “rules” in part, and the term “security requirement rating” is to the claimed “complies with security requirements” as clearly evident from the Office action.

As for the second example given Applicant, the Office action indicated, “Hartsog discloses the comparison of building facility attributes including structural and security attributes to standards, regulations and codes for compliance determination (Abstract; Figs. 1

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& 6; col. 1, lines 8-19 & 59-61; col. 2, lines 18-20; col. 5, lines 3-12 & 39-44; col. 25, lines 34-36). The Abstract alone clearly recites "Memory (18) contains standards (22) against which the development plan is to be checked..." Fig. 1 shows "Plan Check Program" 20 for checking "Building Components" 24 against "Standards" 22. Fig. 6 titled "Typical General Plan Action" shows an "Environmental Impact & Report" function 412 which is functionally connected to "Fire" block 444 and "Police" block 442, which in turn connected to "Crime" block 456 that further connects to "Prediction" 458 and "Protection" 460. Column 5, lines 3-12 and 39-44 recites, "The rules used by the system to reason generally are the building, planning, and zoning code requirements... The system output.. is...an 'explanation facility' that lets the user track the thinking process without security comprising..." Column 25, lines 34-37" recites "...an accessories subroutine 384, which evaluates fences, sidewalks and security systems. Also includes are a police protection subroutine 386..." It is clearly apparent that the citation of the Hartsog disclosure in the Office action such as those indicated above supports the terminology used as an appropriate interpretation. In the above two cited examples, the reason the Office action used such terminology was to summarize the prior art of Brooks et al. and Hartsog in relevance to the claimed invention in a reasonable interpretation. The relevance of the term "comparison of security attributes to standards" is to the claimed providing rules for determining... whether a building complies with security requirements" as clearly evident from the Office action.

It is important to point out that since Brooks et al. or Hartsog alone does not meet the claimed invention and only the combined teaching was used to meets the claimed invention as

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admitted by the Office action, it is no wonder that Brooks et al. or Hartsog alone does not disclose all the limitation or terminology of the claimed invention.

c) In conclusion, Applicant's arguments are not deemed persuasive, and the rejection is maintained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

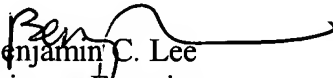
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963. The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.